

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANIEL RAY QUEST,

Defendant-Appellant.

UNPUBLISHED
December 2, 2003

No. 241572
Wayne Circuit Court
LC No. 01-012197-01

Before: Murray, P.J., and Gage and Kelly, JJ.

MEMORANDUM.

Defendant appeals as of right from nonjury convictions of two counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a), for which he was sentenced to concurrent terms of forty-two months to ten years in prison. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the court's factual findings were insufficient because the court did not explain why it rejected defendant's testimony and resolved the credibility contest in the victim's favor. We disagree.

"A judge who sits without a jury in a criminal case must make specific findings of fact and state conclusions of law." *People v Shields*, 200 Mich App 554, 558; 504 NW2d 711 (1993). Those findings and conclusions may be placed on the record or incorporated in a written opinion. MCR 6.403. The purpose of this requirement is to facilitate appellate review. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994). The court's factual findings are sufficient as long as it appears that the court was aware of the issues in the case and correctly applied the law. *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992). The court is not required to make specific findings of fact regarding each element of the crime charged, but its findings should show how the court resolved credibility issues and conflicts in the evidence. *Id.*; *People v Bruce Ramsey*, 89 Mich App 468, 477; 280 NW2d 565 (1979), *aff'd* 422 Mich 500; 375 NW2d 297 (1985). A court's failure to make factual findings does not require a remand for additional articulation where it is clear that the court was aware of the factual issues, that it resolved those issues, and that further explication of the path the court followed in reaching the result would not facilitate appellate review. *Legg, supra* at 134-135; *Johnson, supra* at 141-142.

The court's findings indicate it was aware of the issues and correctly applied the law. The factual issue was one of credibility. If the victim were believed, defendant engaged in sexual penetration on two occasions when she was under the age of thirteen. If the defendant were believed, no such thing ever occurred. The court stated that it found the victim's testimony credible in part because of the corroborating physical evidence and because there was a rational explanation other than lack of credence for her mother's failure to take action when the abuse was disclosed. We find no basis for relief.

Affirmed.

/s/ Christopher M. Murray

/s/ Hilda R. Gage

/s/ Kirsten Frank Kelly